

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**DAVID R. JOHNSON, M.D. )**

**Case No. 8002015016824**

**Physician's and Surgeon's )  
Certificate No. A20315 )**

**Respondent )**

**DECISION**

**The attached Stipulated Surrender of License and Order is hereby adopted  
as the Decision and Order of the Medical Board of California, Department of  
Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on November 22, 2017.**

**IT IS SO ORDERED November 15, 2017.**

**MEDICAL BOARD OF CALIFORNIA**

**By:**



**Kimberly Kirchmeyer  
Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 RICHARD D. MARINO  
Deputy Attorney General  
4 State Bar No. 90471  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 897-8644  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2015-016824

13 **DAVID R. JOHNSON, M.D.**  
4303 Crown Ranch Road  
Corona, CA 92881

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 **Physician's and Surgeon's Certificate No. A**  
20315,

15 Respondent.  
16

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Medical Board of California of the Department of Consumer  
20 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order  
21 which will be submitted to the Board for approval and adoption as the final disposition of the  
22 Accusation.

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
25 of California (Board). She brought this action solely in her official capacity and is represented in  
26 this matter by Xavier Becerra, Attorney General of the State of California, by Richard D. Marino,  
27 Deputy Attorney General.

28 //

2. DAVID R. JOHNSON, M.D. (Respondent) is represented in this proceeding by attorney Amanda Ruth Touchton, whose address is Amanda Ruth Touchton, Touchton and Weinberger LLP, 800 Wilshire Blvd., Ste. 105, Los Angeles, CA 90017-2672.

3. On or about July 30, 1962, the Board issued Physician's and Surgeon's Certificate No. A 20315 to DAVID R. JOHNSON, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-016824. That certificate was not renewed and expired on November 30, 2016.

## JURISDICTION

4. Accusation No. 800-2015-016824 was filed before the (Board) and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 6, 2017. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2015-016824 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2015-016824. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 800-2015-016824, agrees that cause exists for discipline and hereby surrenders his  
4 Physician's and Surgeon's Certificate No. A 20315 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue  
6 an order accepting the surrender of his Physician's and Surgeon's Certificate without further  
7 process.

8 **RESERVATION**

9 10. The admissions made by Respondent herein are only for the purposes of this  
10 proceeding, or any other proceedings in which the Medical Board of California or other  
11 professional licensing agency is involved, and shall not be admissible in any other criminal or  
12 civil proceeding.

13 **CONTINGENCY**

14 11. This stipulation shall be subject to approval by the Board. Respondent understands  
15 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
16 with the Board regarding this stipulation and surrender, without notice to or participation by  
17 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he  
18 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board  
19 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
20 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
21 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
22 be disqualified from further action by having considered this matter.

23 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
24 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
25 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

26 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
27 the Board may, without further notice or formal proceeding, issue and enter the following Order:

28 //

**ORDER**

**IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. A 20315, issued to Respondent DAVID R. JOHNSON, M.D., is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2015-016824 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2015-016824 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

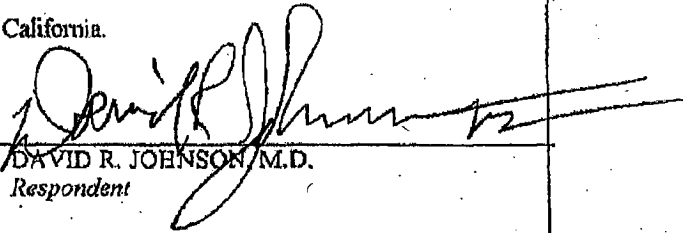
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1  
2 ACCEPTANCE

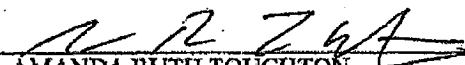
3 I have carefully read the above Stipulated Surrender of License and Order and have fully  
4 discussed it with my attorney, Amanda Ruth Touchton. I understand the stipulation and the effect  
5 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of  
6 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
7 Decision and Order of the Medical Board of California.

8  
9 DATED: 10-29-17

  
DAVID R. JOHNSON, M.D.  
Respondent

11 I have read and fully discussed with Respondent DAVID R. JOHNSON, M.D. the terms  
12 and conditions and other matters contained in this Stipulated Surrender of License and Order. I  
13 approve its form and content.

14  
15 DATED: 10/3/17

  
AMANDA RUTH TOUCHTON  
Attorney for Respondent

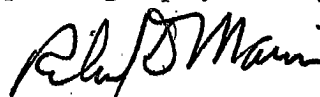
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: *October 18, 2017*

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General



RICHARD D. MARINO  
Deputy Attorney General

*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2015-016824**



1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 RICHARD D. MARINO  
Deputy Attorney General  
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8 *Attorneys for Complainant*

9 **BEFORE THE**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **DAVID R. JOHNSON, M.D.**  
15 **4303 CROWN RANCH ROAD**  
16 **CORONA CA 92881**

17 **Physician's and Surgeon's Certificate No.**  
18 **A20315,**

19 **Respondent.**

Case No. 800-2015-016824

ACCUSATION

20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
24 Affairs, State of California (Board).

25 2. On or about July 30, 1962, the Board issued Physician's and Surgeon's Certificate  
26 No. A20315 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect  
27 at all times relevant to the charges brought herein. That certificate expired on November 30,  
28 2016.

**JURISDICTION**

4. This Accusation is brought before the Board under the authority of the following

**FILED**  
**STATE OF CALIFORNIA**  
**MEDICAL BOARD OF CALIFORNIA**  
**SACRAMENTO** *Sept. 6* 20 *17*  
**BY** *[Signature]* **ANALYST**

1 laws. All section references are to the Business and Professions Code unless otherwise indicated.

2 5. Section 118 of the Code, in pertinent part, provides:

3 “ ...

4 “(b) The suspension, expiration, or forfeiture by operation of law of a license issued  
5 by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
6 board or by order of a court of law, or its surrender without the written consent of the board,  
7 shall not, during any period in which it may be renewed, restored, reissued, or reinstated,  
8 deprive the board of its authority to institute or continue a disciplinary proceeding against  
9 the licensee upon any ground provided by law or to enter an order suspending or revoking  
10 the license or otherwise taking disciplinary action against the licensee on any such ground.

11 “(c) As used in this section, “board” includes an individual who is authorized by any  
12 provision of this code to issue, suspend, or revoke a license, and ‘license’ includes  
13 ‘certificate,’ ‘registration,’ and ‘permit.’

14 6. Section 2227 of the Code provides:

15 “(a) A licensee whose matter has been heard by an administrative law judge of the  
16 Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or  
17 whose default has been entered, and who is found guilty, or who has entered into a  
18 stipulation for disciplinary action with the board, may, in accordance with the provisions of  
19 this chapter:

20 “(1) Have his or her license revoked upon order of the board.

21 “(2) Have his or her right to practice suspended for a period not to exceed one year  
22 upon order of the board.

23 “(3) Be placed on probation and be required to pay the costs of probation monitoring  
24 upon order of the board.

25 “(4) Be publicly reprimanded by the board. The public reprimand may include a  
26 requirement that the licensee complete relevant educational courses approved by the board.

27 “(5) Have any other action taken in relation to discipline as part of an order of  
28 probation, as the board or an administrative law judge may deem proper.

1           "(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
2 review or advisory conferences, professional competency examinations, continuing  
3 education activities, and cost reimbursement associated therewith that are agreed to with the  
4 board and successfully completed by the licensee, or other matters made confidential or  
5 privileged by existing law, is deemed public, and shall be made available to the public by  
6 the board pursuant to Section 803.1."

7       7.     Section 822 of the Code provides:

8           " If a licensing agency determines that its licentiate's ability to practice his or her  
9 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting  
10 competency, the licensing agency may take action by any one of the following methods:

11           "(a) Revoking the licentiate's certificate or license.

12           "(b) Suspending the licentiate's right to practice.

13           "(c) Placing the licentiate on probation.

14           "(d) Taking such other action in relation to the licentiate as the licensing agency in its  
15 discretion deems proper.

16           "The licensing agency shall not reinstate a revoked or suspended certificate or license  
17 until it has received competent evidence of the absence or control of the condition which  
18 caused its action and until it is satisfied that with due regard for the public health and safety  
19 the person's right to practice his or her profession may be safely reinstated."

## 20                                   **CAUSE FOR DISCIPLINE**

### 21                                   **(Mental Illness or Physical Illness Affecting Competency)**

22       8.     Respondent is subject to disciplinary action under Business and Professions Code  
23 section 822 in that his ability to practice medicine safely is impaired because he is mentally ill, or  
24 physically ill affecting competency as follows:

25           A.    On or about and during 2015, in the matter entitled *The People of the State of*  
26 *California v. Munir Uwayda, et al.*, Los Angeles County Superior Court Case No.  
27 BA425397, Respondent was charged, in Count 1, with conspiracy to commit insurance  
28 fraud, a felony, in violation of Penal Code section 182, subdivision (a), subparagraph 1

1 (Count 1);<sup>1</sup> in Counts 2 through 21, inclusive, with insurance fraud, a felony, in violation of  
2 Penal Code section 550, subdivision (a), subparagraph (7);<sup>2</sup> in Counts 22 through 30,  
3 inclusive, and Count 32 with insurance fraud, a felony, in violation of Penal Code section  
4 550, subdivision (a), subparagraph (6); in Counts 31 and 33, with insurance fraud, a felony,  
5 in violation of Penal Code section 550, subdivision (a), subparagraph (5); in Counts 33 and  
6 37 through 54, inclusive, with aggravated mayhem, a felony, in violation of Penal Code  
7 section 205;<sup>3</sup> and, finally, in Counts 55 through 57, inclusive, with unlawful client or  
8 patient referral,<sup>4</sup> a felony, in violation of Labor Code section 3215.

9 B. Respondent was arraigned. Bail was set at 18.5 million dollars, an amount  
10 Respondent was unable to post. For that reason, Respondent was remanded to the Los  
11 Angeles County Jail.

12 C. Thereafter, based primarily on the state of his health, Respondent moved to be  
13 released on his own recognizance or, in the alternative, for release on reasonable bail. He  
14 further applied for an order affording electronic monitoring so that he would be able to receive  
15 medical care from his three adult children, each of whom was a licensed physician and  
16 surgeon living in Southern California. In support of his motion and application,  
17 Respondent filed numerous supporting documents, including his personal declaration,  
18 signed under penalty of perjury, as well as other supporting documents, declarations under  
19

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20 <sup>1</sup> Thirty-four separate overt acts were charged including the following: "From November  
21 2004 to December 2010, David Johnson over prescribed and over billed insurance companies for  
22 pharmaceuticals." and "Between February 23, 2009, and December 31, 2011, . . . creat[ing] U.S.  
23 Health and Orthopedics, as a DBA of Firstline Health, Inc.

24 <sup>2</sup> The insurance companies and others allegedly defrauded by Respondent, were American  
25 Claims Management, Berkshire Hathaway, CNA Insurance, the City of Los Angeles, Comp West  
26 Workers Compensation, Employers Insurance, Farmer's Insurance, Fireman's Fund Insurance,  
27 K.W. Group Insurance, Liberty Mutual, Republic Indemnity, State Compensation Insurance  
28 Fund, Sentry Insurance, State Farm Insurance, The Hartford Insurance, Travelers Company, York  
Risk Service Group, Zenith Insurance, Zurich North America; and, Sedgwick Insurance  
Company.

<sup>3</sup> The aggravated mayhem counts involved 17 different individuals.

<sup>4</sup> This offense is often referred to as capping.

1 penalty of perjury, and letters from various physicians and other individuals.

2 D. From the materials described in paragraph C, above, the Medical Board of  
3 California and its representatives learned the following:

4 1) "[Respondent] is 81-years-old and in very poor health. His wife is his  
5 fulltime caregiver."

6 2) Respondent has Stage IV bladder cancer.<sup>5</sup>

7 3) "All of [Respondent]'s California based adult children are medical  
8 doctors and able to substantially assist in his care."<sup>6</sup>

9 4) "[Respondent has] a number of serious and emergent medical conditions  
10 that constitute unusual circumstances and justify a reduction in his bail."

11 5) "[Respondent] . . . submitted evidence from no fewer than seven medical  
12 doctors that established his serious and emergent medical conditions."

13 6) "On September 17, 2015, [Respondent's] family received a report from  
14 . . . a Board Certified Urologist . . . that [Respondent]'s bladder cancer required urgent care.

15 7) Respondent's primary physician advised the Court that Respondent  
16 needed an "immediate biopsy and a specific chemotherapy treatment designed with the  
17 histology results in hand."

18 8) Respondent is at immediate risk for a pulmonary embolism.

19 a) Respondent was treated for an episode of deep vein thrombosis  
20 (DVT) in January and February 2002.

21 b) "Since incarceration [he] has lost his ability to walk unassisted. His  
22 muscle weakness has progressed to the point that he now has insufficient  
23 strength to get up off the floor if he falls down. His ankles are swollen and it is  
24 clear that circulation in his lower legs is significantly compromised."

25 c) Respondent needs physical therapy and retraining in ambulation.

26 9) Respondent "has progressive degenerative lumbar spine disease."

27 <sup>5</sup> The median life expectancy of a person with Stage IV cancer is 12 months.

28 <sup>6</sup> At the time, Respondent had three adult issue living in Southern California.

1                   10) Respondent's primary physician further advised that Respondent's  
2 "mobility is very limited and [Respondent] can hardly walk."

3                   11) "[Respondent] has a history of serious depression for which he has been  
4 treated with electric shock therapy."

5                   12) According to one of Respondent's children, "My [f]ather has melancholic  
6 severe recurrent depression treated in the past with electric convulsive therapy and multiple  
7 medications. The only medications that have kept him out of a psychotic depressed state  
8 were Cymbalta 120 mg in the morning, Saphris 40 mg at night, Ambien 5 mg at night,  
9 Trazodone 75 mg at night and Provigil 200 mg in the morning. These not only treat his  
10 severe depression but also the neuropathic pain from Guillain Barre disease<sup>7</sup> and his  
11 spinal stenosis pain."

12                   13) "[Respondent's] spine condition is such that for him to be confined would  
13 be a serious detriment to his health."

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28 <sup>7</sup> Guillain-Barré syndrome (GBS) is a disorder in which the body's immune system attacks  
part of the peripheral nervous system.

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**PRAYER**

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

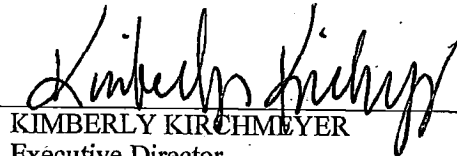
1. Revoking or suspending Physician's and Surgeon's Certificate No. A20315, issued to David R. Johnson, M.D.

2. Revoking, suspending or denying approval of David R. Johnson, M.D.'s authority to supervise physician assistants, pursuant to Business and Professions Codes section 3527, and advanced practice nurses;

3. Ordering David R. Johnson M.D., if placed on probation, to pay the Medical Board the costs of probation monitoring; and,

4. Taking such other and further action as deemed necessary and proper.

DATED: SEPTEMBER 6, 2017



KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs

State of California

*Complainant*